

REMARKS / ARGUMENTS

I. General Remarks

Claims 1-7, 16-23, 25-28, and 35 are pending in this application. Claims 15 and 32 were deleted in a previous amendment, and claims 8-14, 24, 29-31, 33, and 34 are currently deleted herein. Claims 1 and 20 are currently amended herein.

On February 10, 2005, Applicant's representative spoke with the Examiner to discuss the status of the application. As a result of that conversation, Applicant has amended claims 1 and 20 as helpfully suggested by the Examiner.

II. Rejection of Certain Claims Under 35 U.S.C. § 102(b)

Claims 1-5, 17, 19-23, 25-27, and 35 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 5,461,930 to Farchi et al. ("Farchi"). As noted above, claims 1 and 20 are currently amended herein, to further clarify the scope of Applicant's claimed invention. As amended, claims 1 and 20 recite, *inter alia*, that the fluid stream being measured is for subterranean treatment operations, which Farchi nowhere teaches or suggests. Moreover, amended claims 1 and 20 also recite, *inter alia*, that the fluid stream being measured does not comprise a gas phase, which further distinguishes the claimed methods and systems from those disclosed in Farchi. In contrast to the methods and systems recited in Applicant's amended claims, Farchi discloses a device and method for use in measuring fluid streams that include gas phases. Accordingly, the fluid stream being measured in Applicant's methods and systems is not the same as that being measured in the device and methods disclosed in Farchi.

Accordingly, Applicant respectfully submits that Applicant's independent claims 1 and 20, as amended, and the pending claims dependent therefrom, are not anticipated by Farchi. Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 102(b) against these claims, and further requests the timely issuance of a Notice of Allowance for these claims.

III. Rejection of Certain Claims Under 35 U.S.C. § 103

Claims 6, 7, 16, 18, and 28 stand rejected under 35 U.S.C. § 103 as being unpatentable over Farchi in view of prior art information. Applicant respectfully traverses.

Claims 6, 7, 16, and 18 depend from newly-amended claim 1. Claim 28 depends from newly-amended claim 20. Applicant previously has presented arguments herein that distinguish the methods and systems recited in Applicant's amended independent claims 1 and 20 from Farchi's disclosure. Applicant respectfully asserts that one of ordinary skill in the art could not begin with Farchi and arrive at Applicant's claimed systems and methods merely by incorporating general knowledge already in the artisan's possession. Among other things, Farchi, combined with prior art information, nowhere teaches or suggests systems and methods such as those recited in Applicant's amended independent claims 1 and 20, for use in determining at least one parameter of a fluid stream for subterranean treatment operations, which fluid stream does not comprise a gas phase. Nor does Farchi, combined with prior art information, obviate dependent claims 6, 7, 16, 18, and 28.

Accordingly, Applicant respectfully submits that the referenced claims are not rendered obvious by Farchi in view of prior art information, and that the referenced claims are novel and nonobvious over the art of record. Applicant respectfully requests withdrawal of the rejection of claims 6, 7, 16, 18, and 28 under 35 U.S.C. 103, and further requests the timely issuance of a Notice of Allowance for these claims.

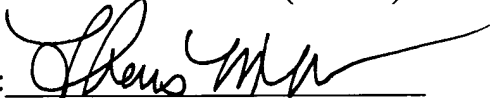
SUMMARY

In light of the above remarks and amendments, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections. Applicant further submits that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

As this Response is being filed on April 8, 2005, in advance of the due date of April 12, 2005, Applicant believes that no other fees are due in association with this filing of this Response. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicant respectfully requests that the Commissioner accept this a Petition Therefor, and direct that any additional fees be charged to Baker Botts L.L.P. Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 063718.0280.

Respectfully submitted,

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